

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

HARTFORD ACCIDENT AND INDEMNITY
COMPANY and FIRST STATE INSURANCE
COMPANY,

Plaintiffs,

v

No 4:08-CV-01687-CAS

THE DOE RUN RESOURCES CORPORATION
f/k/a SI JOE MINERALS CORPORATION,

and

ZURICH AMERICAN INSURANCE COMPANY
as successor-in-interest to ZURICH INSURANCE
COMPANY, U.S. BRANCH

Defendants.

THE DOE RUN RESOURCES CORPORATION,

Counter-Claimant,

v

HARTFORD ACCIDENT AND INDEMNITY
COMPANY and FIRST STATE INSURANCE
COMPANY,

Counter-Defendants.

**DECLARATION OF MARC D. HALPERN IN SUPPORT OF THE DOE RUN
RESOURCES CORPORATION'S MOTION FOR REALIGNMENT AND TO
DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

I, Marc D. Halpern, declare as follows:

1. I am an attorney with the law firm of Abelson | Herron LLP, counsel for The Doe Run Resources Corporation ("Doe Run") in the above-referenced action. I am licensed to practice law in the state of California and admitted to practice *pro hac vice* before this Court in connection with this matter. I have personal knowledge of the matters stated herein and, if called to testify, could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of a printout dated March 18, 2009 from the New York State Department of Insurance website located at https://awebproxyprd.ins.state.ny.us/onepage/StartForm.jsp?link=/CompanyDirectory/dir_src_h_optiono.jsp?c=m demonstrating that Zurich American Insurance Company is domiciled in the state of New York.

3. Attached hereto as Exhibit B is a true and correct copy of a printout dated March 17, 2009 from the A.M. Best Rating Center website located at <http://www3.ambest.com/ratings/RatingsSearch.asp?AltSrc=9> listing Zurich American Insurance Co. as domiciled in New York.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 18th day of March 2009 at San Diego, California.



Marc D. Halpern

Exhibit A



Company Detail

Company Search NAIC#: 16535

Search

Save As

NAIC#: 16535 DOM: New York Group: Zurich Insurance Group Phone:

CPAF: 3882 ORG: PC Group#: 212

Spl Risk:

Eff Dt

Exp Dt

09/01/2008 08/31/2009

DMV#: 379 Website: <http://WWW.ZURICHNA.COM>

Licensed Dt: 12/16/1998

Zurich American Insurance Company

1400 American Lane

Tower I, 19th Floor

Schaumburg, IL 60196

Company History:

(No Data Available)

Current Writing Powers:

NYS Insurance Law Section Code	Line of Business	Description
1113(a)	3	accident and health
1113(a)	4	fire
1113(a)	5	miscellaneous property
1113(a)	6	water damage
1113(a)	7	burglary and theft
1113(a)	8	glass
1113(a)	9	boiler and machinery
1113(a)	10	elevator
1113(a)	11	animal
1113(a)	12	collision
1113(a)	13	personal injury liability
1113(a)	14	property damage liability
1113(a)	15	workers' compensation and employers' liability
1113(a)	16	fidelity and surety
1113(a)	17	credit
1113(a)	19	motor vehicle and aircraft physical damage
1113(a)	20	marine and inland marine
1113(a)	21	marine protection and indemnity
1113(a)	22	residual value
1113(a)	24	credit unemployment
1113(a)	26(A)(B)(C) (D)	gap
1113(a)	27	prize indemnification
1113(a)	28	service contract reimbursement
1113(a)	29	legal services
4102(c)	I&R	as authorized by Section 4102(c), insurance of every kind or description outside of the United States and reinsurance of every kind or description

aeasrvprd *PRIVACY POLICY* | ACCESSIBILITY | DISCLAIMER

Exhibit B

View Ratings: [Financial Strength](#) [Issuer Credit](#) [Securities](#) [Advanced Search](#)Other Web Centers: [Select One](#)

Search Results Page 1 of 1 Results Per Page 20

2 Rated or non-Rated companies found, results sorted by Company Name

Criteria Used: Company Name: Company names starting with Zurich American Insurance Company

To refine your search please use our [Advanced Search](#) or view our [Online Help](#) for more information

Zurich American Insurance Co

View results starting with: [A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Company Information		Financial Strength Ratings		Issuer Credit Ratings			
AMB#	Company Name	Rating	Outlook / Implication	Long-Term	Outlook/ Implication	Short-Term	Domicile
02563	<u>Zurich American Insurance Company</u> Insurance - Property/ Casualty (Operating Company)	A	Stable	a+	Stable		US: New York
03565	<u>Zurich American Insurance Company of IL</u> Insurance - Property/ Casualty (Operating Company)	A	Stable	a+	Stable		US: Illinois

Note: Financial Strength Ratings as of 03/17/2009 05 24 PM E S T.

† Financial Strength Ratings (FSR) are sometimes assigned to Property/Casualty - A M Best Consolidated Groups. Please note that Life/Health - A M Best Consolidated Groups and Company Consolidated Financial Statements are not assigned FSR ratings

* Denotes Under Review Best's Ratings

Visit [Best's Rating Center](#) for a complete overview of our rating process and methodologies

Important Notice: Best's Ratings reflect our independent opinion, based on a comprehensive quantitative and qualitative evaluation of a company's balance sheet strength, operating performance and business profile. These ratings are neither a warranty of a company's financial strength nor its ability to meet its financial obligations including those to policyholders. View our [entire notice](#) for complete details.

[Customer Service](#) | [Product Support](#) | [Member Center](#) | [Contact Info](#) | [Careers](#)
[About A.M. Best](#) | [Site Map](#) | [Privacy Policy](#) | [Security](#) | [Terms of Use](#) | [Legal & Licensing](#)

Copyright © 2009 A.M. Best Company Inc. All rights reserved.
A M Best Worldwide Headquarters Ambest Road Oldwick New Jersey 08858 U S A

CERTIFICATE OF SERVICE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI – EASTERN DIVISION**

Hartford Accident And Indemnity Company, et al.

v.

The Doe Run Resources Corporation, et al.

District Court Case No. 4:08-cv-01687-CAS

I am over the age of 18 and not a party to the within action; I am employed by Abelson | Herron, LLP in the County of Los Angeles at 333 South Grand Avenue, Suite 1550, Los Angeles, California, 90071-1559.

On March 19, 2009, I served the document below described as:

**DECLARATION OF MARC D. HALPERN IN SUPPORT OF THE DOE RUN
RESOURCES CORPORATION'S MOTION FOR REALIGNMENT AND TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION**

The document was served by the following means:

- × **BY ELECTRONIC TRANSMISSION VIA NEF** I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which sent Notifications of Electronic Filing to the persons at the e-mail addresses listed immediately below. Accordingly, pursuant to the Court's Local Rule 5-2.12, I caused the documents to be sent electronically to the persons listed immediately below.

E-mail: tjm@heplerbroom.com

E-mail: mly@heplerbroom.com

Theodore J. MacDonald, Jr., Esq.

Michael L. Young, Esq.

HEPLER BROOM, MACDONALD,
HEBRANK, TRUE & NOCE LLC

Counsel for Plaintiffs and Counter-Defendants,
HARTFORD ACCIDENT AND INDEMNITY
COMPANY; and
FIRST STATE INSURANCE COMPANY

E-mail: rwatters@bjpc.com

E-mail: twolf@bjpc.com

E-mail: pbousquet@bjpc.com

Russell F. Watters, Esq.

Timothy J. Wolf, Esq.

Patrick A. Bousquet, Esq.

BROWN & JAMES, P.C.

Counsel for Defendant,
ZURICH AMERICAN INSURANCE
COMPANY

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Executed on March 19, 2009 at Los Angeles, California.

/s/ Marc D. Halpern

Marc D. Halpern

Certificate of Service *Cont.*

- × **BY U.S. MAIL** I enclosed the document in a sealed envelope addressed to the persons at the address listed immediately below and placed the sealed envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the said date, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelopes with postage fully prepaid.

James P. Ruggeri, Esq.
Joshua D. Weinberg, Esq.
HOGAN & HARTSON LLP
555 Thirteenth Street, NW
Washington, D.C. 20004

Counsel for Plaintiffs and Counter-Defendants,
HARTFORD ACCIDENT AND INDEMNITY
COMPANY; and
FIRST STATE INSURANCE COMPANY

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Executed on March 19, 2009 at Los Angeles, California.


Rachel E. Capata